

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MELISSA WHITE,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON et al,

Defendants.

CASE NO. 2:22-cv-01798-TL

ORDER ON PLAINTIFF'S MOTION
TO STAY REMAND AND
DEFENDANTS' MOTION FOR
SANCTIONS

Pro se Plaintiff Melissa White brought this employment discrimination case contesting the termination of her employment by Defendant University of Washington (and related entities and individuals) in lieu of receiving a religious waiver to its COVID-19 vaccine requirement. Before the Court are Plaintiff's Motion to Stay Remand (Dkt. No. 88) and Defendants' Motion for Sanctions (Dkt. No. 90). Having reviewed all the briefing for both motions and being fully advised on the issues, the Court GRANTS Plaintiff's motion, STAYS remand pending appeal, and DENIES Defendants' request for sanctions.

I. BACKGROUND

Plaintiff initially sued Defendants in King County Superior Court, and Defendants removed the case to this Court on December 19, 2022. Dkt. No. 1. A flurry of early motions practice was initiated, primarily by Plaintiff, which resulted in the denial or withdrawal of several motions. *See* Dkt. No. 66 at 3. In a subsequent Order resolving several motions including a motion by Defendant requesting sanctions against Plaintiff, the Court pointed out concerns regarding both Parties' respective behavior in the litigation, addressed Defendants' allegations that Plaintiff failed to meaningfully meet and confer as required prior to filing multiple motions, but denied Defendants' request to impose sanctions at that time. *Id.* at 17–24.

The Court ultimately entered an Order dismissing all of Plaintiff's federal claims, declined to assert supplemental jurisdiction over her state law claims, and remanded the remaining claims back to state court. Dkt. No. 85. Plaintiff has appealed that Order to the Ninth Circuit. *See* Dkt. No. 87. This matter is now before the Court on Plaintiff's request to stay the Court's remand order. Dkt. No. 88. In response, Defendants do not oppose the request for stay but seek monetary sanctions from Plaintiff for again failing to meaningfully meet and confer before filing this motion. Dkt. No. 90. Plaintiff opposes imposition of sanctions. Dkt. No. 92.

II. DISCUSSION

A. Plaintiff's Motion for Stay

The Court finds that a stay is warranted under the circumstances. “[D]istrict courts have the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases.” *Dietz v. Bouldin*, 579 U.S. 40, 47 (2016) (collecting cases). Further, “[t]he District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997). Here, Plaintiff argues that a stay of the Court's remand order would allow for her case to continue in a single action should

1 she prevail on appeal. Dkt. No. 88 at 1. Defendants do not disagree, recognizing the Court's
2 "familiarity with [the state law] claims, which were fully briefed in the parties' [prior]
3 pleadings." *See* Dkt. No. 90 at 2. In the interest of the potential "efficient and expedient
4 resolution of" Plaintiff's case should her appeal succeed, and in the absence of opposition from
5 Defendants, the Court will exercise its discretion to stay its order remanding the surviving state
6 law claims until Plaintiff's appeal is fully resolved. Dkt. No. 85.

7 **B. Defendants' Motion for Sanctions**

8 Defendants' fail to establish that sanctions are appropriate. A court may impose sanctions
9 on a party or its counsel by three primary means: (1) Federal Rule of Civil Procedure 11 (not
10 applicable here); (2) 28 U.S.C. § 1927, which penalizes unreasonable and vexatious multiplicity
11 of proceedings; and (3) the inherent power of the court. *Fink v. Gomez*, 239 F.3d 989, 991 (9th
12 Cir. 2001). The imposition of sanctions under § 1927 requires a finding of recklessness or bad
13 faith. *Gomez v. Vernon*, 255 F.3d 1118, 1134 (9th Cir. 2001). However, a reckless but
14 nonfrivolous filing may not be sanctioned unless it was intended to harass. *See In re Keegan*
15 *Mgmt. Co., Sec. Litig.*, 78 F.3d 431, 436 (9th Cir. 1996); *see also Stone Creek, Inc. v. Omnia*
16 *Italian Design, Inc.*, 875 F.3d 426, 442 (9th Cir. 2017) ("Without more, reckless, but
17 nonfrivolous, filings may not be sanctioned."), *abrogated on other grounds by Romag Fasteners,*
18 *Inc. v. Fossil, Inc.*, 140 S. Ct. 1492, 1497 (2020). A court may also impose sanctions under its
19 inherent authority for "willful disobedience of a court order . . . or when the losing party has
20 acted in bad faith, vexatiously, wantonly, or for oppressive reasons." *Fink*, 239 F.3d 989, 991
21 (9th Cir. 2001) (*quoting Roadway Express, Inc. v. Piper*, 447 U.S. 752 (1980)); *see also In re*
22 *Keegan*, 78 F.3d at 436 (holding that a specific finding of bad faith is required to impose
23 sanctions under a court's inherent powers).

1 Here, Defendants’ primary argument for sanctions is that Plaintiff had previously been
2 warned regarding her obligation to meaningfully meet and confer before filing motions, yet she
3 failed to do so again before filing the instant motion. Dkt. No. 90 at 2–3. Specifically, even
4 though she called and spoke with defense counsel to inform Defendants of her intent to seek a
5 stay, Plaintiff nonetheless filed the motion the next day before defense counsel had a chance to
6 speak with Defendants about the matter. *Id.* Defendants argue that her filing was inherently
7 reckless, at minimum, and also evidences bad faith since she was previously warned about the
8 need for a meaningful meet and conferral. *Id.* Plaintiff responds by noting that she was very clear
9 about her intent to file the motion when she called and spoke with defense counsel, asked if a
10 stipulation to the motion was possible, and expressed urgency since it appeared the remand was
11 already in process. Dkt. No. 92 at 1–6.

12 Defendants’ request for sanctions fails because there is no evidence of bad faith or intent
13 to harass. Plaintiff appears to have had a genuine, even if mistaken, belief that there was an
14 urgent need to file her motion, which undercuts Defendants’ claim that her failure to give them
15 more time to respond demonstrates bad faith. As previously noted by the Court, it is loath to
16 penalize Plaintiff for reasonable “confusion. . . [when she makes] a good faith effort to abide by
17 rules that may be confusing to a *pro se* litigant.” Dkt. No. 66 at 21. In that same Order, the Court
18 described the meet-and-confer obligation as specifically requiring her to: “(1) clearly explain
19 what specific action [she] will seek in an upcoming motion; (2) briefly note [her] legal and
20 factual grounds for asserting an entitlement to such relief; and (3) only proceed to bring the
21 motion before this Court if [she] believes that the motion might still succeed in spite of the
22 opposing party’s objections and counter-arguments.” *Id.* at 22–23. It appears that Plaintiff
23 fulfilled these requirements in her phone call with defense counsel, even if her anxiety regarding
24 the perceived urgency led her to prematurely file. And, to the extent she was nonetheless reckless

1 in filing before hearing back from defense counsel, Defendants' failure to oppose the merits of
2 the request for a stay dooms their request for sanctions. A reckless but nonfrivolous filing may
3 not be sanctioned unless it was intended to harass. *See In re Keegan*, 78 F.3d at 436. Defendants
4 do not argue that the motion to stay is intended to harass, nor would such an argument be
5 entertained by the Court under these circumstances.

6 **III. CONCLUSION**

7 For the foregoing reasons, the Court ORDERS:

- 8 (1) Plaintiff's motion (Dkt. No. 88) is GRANTED;
- 9 (2) The portion of its prior Order remanding Plaintiff's state law claims to King
10 County Superior Court (Dkt. No. 85) is STAYED pending appeal; and
- 11 (3) Defendants' request for sanctions (Dkt. No. 90) is DENIED.

12
13 Dated this 18th day of April 2024.

14 

15 Tana Lin
16 United States District Judge